



February 6, 2015

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## HOUSE BILL No. 1007

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DIGEST OF HB 1007 (Updated February 4, 2015 10:16 am - DI 110)

**Citations Affected:** IC 5-2; noncode.

**Synopsis:** Domestic violence prevention and treatment and sexual assault assistance. Prohibits a cap on a grant or contract amount under the domestic violence prevention and treatment program administered by the criminal justice institute. Makes a state general fund appropriation to the criminal justice institute for domestic violence prevention and treatment. Specifies that the appropriation is \$5,000,000 for state fiscal year 2015-2016 and \$5,000,000 for state fiscal year 2016-2017. (The 2013 budget act appropriated \$2,500,000 each year). Makes a state general fund appropriation to the sexual assault victims assistance account. Specifies that the appropriation is \$1,000,000 for state fiscal year 2015-2016 and \$1,000,000 for state fiscal year 2016-2017. Requires the victim services division of the criminal justice institute, instead of the sexual assault victim advocate standards and certification board, to administer the sexual assault victims assistance account.

**Effective:** July 1, 2015.

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### Kirchhofer, Olthoff, Frizzell, Hale

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January 15, 2015, read first time and referred to Committee on Family, Children and Human Affairs.

February 5, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1007—LS 7170/DI 58





February 6, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1007

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 5-2-6-23, AS AMENDED BY P.L.1-2009,  
2       SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 23. (a) As used in this section, "board" refers to  
4       the sexual assault victim advocate standards and certification board  
5       established by subsection (c).  
6       (b) As used in this section, "rape crisis center" means an  
7       organization that provides a full continuum of services, including  
8       hotlines, victim advocacy, and support services from the onset of the  
9       need for services through the completion of healing, to victims of  
10      sexual assault.  
11      (c) The sexual assault victim advocate standards and certification  
12      board is established. The board consists of the following twelve (12)  
13      members appointed by the governor:  
14          (1) A member recommended by the prosecuting attorneys council  
15          of Indiana.

**HB 1007—LS 7170/DI 58**



- (2) A member from law enforcement.
  - (3) A member representing a rape crisis center.
  - (4) A member recommended by the Indiana Coalition Against Sexual Assault.
  - (5) A member representing mental health professionals.
  - (6) A member representing hospital administration.
  - (7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses.
  - (8) A member who is an employee of the Indiana criminal justice institute.
  - (9) A member who is a survivor of sexual violence.
  - (10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children.
  - (11) A member who is an employee of the office of the secretary of family and social services.
  - (12) A member who is an employee of the state department of health, office of women's health.
- (d) Members of the board serve a four (4) year term. Not more than seven (7) members appointed under this subsection may be of the same political party.
- (e) The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action.
- (f) The board shall:
- (1) develop standards for certification as a sexual assault victim advocate;
  - (2) set fees that cover the costs for the certification process;
  - (3) adopt rules under IC 4-22-2 to implement this section; **and**
  - ~~(4) administer the sexual assault victims assistance account established by subsection (h); and~~
  - ~~(5)~~ **(4)** certify sexual assault victim advocates to provide advocacy services.
- (g) Members of the board may not receive a salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.
- (h) The sexual assault victims assistance account is established



1 within the state general fund. The ~~board~~ **victim services division of**  
 2 **the institute** shall administer the account to provide financial  
 3 assistance to rape crisis centers. ~~Money in the account must be~~  
 4 ~~distributed to~~ **In making a determination regarding distribution of**  
 5 **funds from the account, the division shall consult with** a statewide  
 6 nonprofit sexual assault coalition as designated by the federal Centers  
 7 for Disease Control and Prevention under 42 U.S.C. 280 et seq. The  
 8 account consists of:

- 9 (1) amounts transferred to the account from sexual assault victims
- 10 assistance fees collected under IC 33-37-5-23;
- 11 (2) appropriations to the account from other sources;
- 12 (3) fees collected for certification by the board;
- 13 (4) grants, gifts, and donations intended for deposit in the
- 14 account; and
- 15 (5) interest accruing from the money in the account.

16 (i) The expenses of administering the account shall be paid from  
 17 money in the account. The ~~board shall designate victim services~~  
 18 **division may not use** more than ten percent (10%) of the appropriation  
 19 made each year ~~to the nonprofit corporation~~ for program  
 20 administration. The ~~board victim services division~~ may not ~~use~~  
 21 **designate to the board, for the administration of the certification**  
 22 **program,** more than ten percent (10%) of the money collected from  
 23 certification fees. ~~to administer the certification program.~~

24 (j) The treasurer of state shall invest the money in the account not  
 25 currently needed to meet the obligations of the account in the same  
 26 manner as other public money may be invested.

27 (k) Money in the account at the end of a state fiscal year does not  
 28 revert to the state general fund.

29 (l) The governor shall appoint a member of the commission each  
 30 year to serve a one (1) year term as chairperson of the board.

31 SECTION 2. IC 5-2-6.7-10, AS AMENDED BY P.L.150-2014,  
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2015]: Sec. 10. **(a)** The division may make grants to and enter  
 34 into contracts with entities eligible under section 9 of this chapter.

35 **(b) The division may not establish a maximum amount that a**  
 36 **grantee or contractor may receive under this chapter.**

37 SECTION 3. [EFFECTIVE JULY 1, 2015] **(a) Notwithstanding**  
 38 **the amount appropriated in the state budget act for the biennium**  
 39 **beginning July 1, 2015, and ending June 30, 2017, there is**  
 40 **appropriated instead, and not in addition to, from the state general**  
 41 **fund five million dollars (\$5,000,000) for state fiscal year 2015-2016**  
 42 **and five million dollars (\$5,000,000) for state fiscal year 2016-2017**



1 for deposit in the domestic violence prevention and treatment fund  
2 established by IC 5-2-6.7-4 for the criminal justice institute to use  
3 for domestic violence prevention and treatment as provided in  
4 IC 5-2-6.7.

5 (b) This SECTION expires July 1, 2017.

6 SECTION 4. [EFFECTIVE JULY 1, 2015] (a) There is  
7 appropriated to the sexual assault victims assistance account  
8 established within the state general fund by IC 5-2-6-23(h):

9 (1) one million dollars (\$1,000,000) for the state fiscal year  
10 beginning July 1, 2015, and ending June 30, 2016; and

11 (2) one million dollars (\$1,000,000) for the state fiscal year  
12 beginning July 1, 2016, and ending June 30, 2017.

13 (b) The full amount of the appropriation under this SECTION  
14 shall be distributed to rape crisis centers in Indiana without  
15 deduction of personal services or other operating expenses from a  
16 state agency.

17 (c) This SECTION expires July 1, 2017.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-23, AS AMENDED BY P.L.1-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) As used in this section, "board" refers to the sexual assault victim advocate standards and certification board established by subsection (c).

(b) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.

(c) The sexual assault victim advocate standards and certification board is established. The board consists of the following twelve (12) members appointed by the governor:

- (1) A member recommended by the prosecuting attorneys council of Indiana.
- (2) A member from law enforcement.
- (3) A member representing a rape crisis center.
- (4) A member recommended by the Indiana Coalition Against Sexual Assault.
- (5) A member representing mental health professionals.
- (6) A member representing hospital administration.
- (7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses.
- (8) A member who is an employee of the Indiana criminal justice institute.
- (9) A member who is a survivor of sexual violence.
- (10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children.
- (11) A member who is an employee of the office of the secretary of family and social services.
- (12) A member who is an employee of the state department of



health, office of women's health.

(d) Members of the board serve a four (4) year term. Not more than seven (7) members appointed under this subsection may be of the same political party.

(e) The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action.

(f) The board shall:

- (1) develop standards for certification as a sexual assault victim advocate;
- (2) set fees that cover the costs for the certification process;
- (3) adopt rules under IC 4-22-2 to implement this section; **and**
- ~~(4) administer the sexual assault victims assistance account established by subsection (h); and~~
- ~~(5)~~ (4) certify sexual assault victim advocates to provide advocacy services.

(g) Members of the board may not receive a salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.

(h) The sexual assault victims assistance account is established within the state general fund. ~~The board~~ **victim services division of the institute** shall administer the account to provide financial assistance to rape crisis centers. ~~Money in the account must be distributed to~~ **In making a determination regarding distribution of funds from the account, the division shall consult with** a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. The account consists of:

- (1) amounts transferred to the account from sexual assault victims assistance fees collected under IC 33-37-5-23;
- (2) appropriations to the account from other sources;
- (3) fees collected for certification by the board;
- (4) grants, gifts, and donations intended for deposit in the account; and
- (5) interest accruing from the money in the account.

(i) The expenses of administering the account shall be paid from money in the account. ~~The board shall designate victim services division may not use~~ more than ten percent (10%) of the appropriation made each year ~~to the nonprofit corporation~~ for program



administration. The ~~board~~ **victim services division** may not ~~use~~ **designate to the board, for the administration of the certification program**, more than ten percent (10%) of the money collected from certification fees. ~~to administer the certification program.~~

(j) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(k) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(l) The governor shall appoint a member of the commission each year to serve a one (1) year term as chairperson of the board."

Page 2, after line 2, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2015] **(a) There is appropriated to the sexual assault victims assistance account established within the state general fund by IC 5-2-6-23(h):**

**(1) one million dollars (\$1,000,000) for the state fiscal year beginning July 1, 2015, and ending June 30, 2016; and**

**(2) one million dollars (\$1,000,000) for the state fiscal year beginning July 1, 2016, and ending June 30, 2017.**

**(b) The full amount of the appropriation under this SECTION shall be distributed to rape crisis centers in Indiana without deduction of personal services or other operating expenses from a state agency.**

**(c) This SECTION expires July 1, 2017."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1007 as introduced.)

FRIZZELL

Committee Vote: yeas 10, nays 0.

